

REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Claims 1, 8, 15, 24, 25, 28 and 29 are amended above. Claims 1-3, 6, 8, 13, 15, 16 and 24-32 are still pending in this application. Applicant respectfully requests reconsideration of this application.

Applicant respectfully submits that the amendments to the claims above clarify the claims in a manner that the rejection under 35 U.S.C. §112 of some of the claims is no longer an issue.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 based upon the *Long, et al.* reference. There must be a sufficiently legal motivation to modify a reference when making an obviousness rejection. In this instance, there is no motivation for modifying the teachings of the *Long, et al.* reference to incorporate features consistent with Applicant's claims because there is no benefit for doing so. Without any benefit, there is no motivation and no *prima facie* case of obviousness.

There would be no benefit to adding a slack reducing feature to the *Long, et al.* reference for purposes of determining an initialization position. The *Long, et al.* reference relies upon a different arrangement for initiation. For example, in column 15, beginning at line 45, *Long, et al.* teach a routine for initiating power door opening. That routine includes setting a CLUTCH signal high and clearing a count CNT2. In column 16, beginning at line 9, the same procedure is used to initiate door closing. The only use of a door position that may correspond to an initialization position in these routines is mentioned in columns 18 and 20. In column 18, at line 44-50, *Long, et al.* teach using a

door position DOORP as “the full open position.” In column 20, lines 45-66, *Long, et al.* teach using a powered movement of the door to a fully closed position. There is no discussion of any slack reduction at that point. Moreover, there would be no benefit to adding a slack reduction because *Long, et al.* rely upon the state of the switch reversal flag and a count value of DOORP to indicate the stop position of the door. By resetting the CNT2 value and the DOORP value at the times discussed in the *Long, et al.* reference, that system accomplished whatever door position and motor position control is used for initiation.

There would be no benefit to adding the slack reducing features of Applicant’s invention for purposes of determining an initialization position in the *Long, et al.* reference, because that would be redundant, at best. When there is no benefit to making the modification to a reference, there is no *prima facie* case of obviousness.

Applicant respectfully submits that this case is in condition for allowance. Applicant’s representative would be happy to discuss any issues regarding this application if the Examiner believes that a telephone conference will facilitate moving this case forward to being issued. Applicant’s representative can be contacted at the telephone number indicated below.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

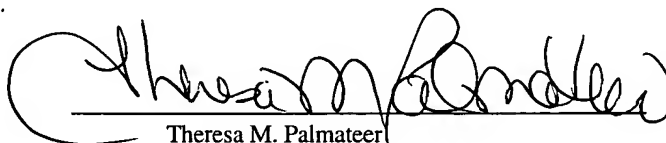
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Dated: August 3, 2004

CERTIFICATE OF MAILING

I hereby certify that the enclosed **Response** is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on August 3, 2004.


Theresa M. Palmateer

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